

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1) AMBER VERA,

Plaintiff,

vs.

**1) AMY DERKS and
2) STAR FLEET TRUCKING, INC.,**

Defendants.

Civil Action No. CIV-20-1115-PRW

**DEFENDANTS STAR FLEET TRUCKING, INC.'S AND AMY DERKS'
NOTICE OF REMOVAL TO ASSERT CITIZENSHIP**

PLEASE TAKE NOTICE, that Defendants Star Fleet Trucking, Inc. (“Star Fleet”) and Amy Derks (“Derks”) (collectively, “Defendants”), by and through the undersigned counsel, hereby file their Notice of Removal to Assert Citizenship of this civil action to United States District Court for the Western District of Oklahoma, from the District Court of Oklahoma County, Oklahoma (Case No. CJ-2020-4823), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support, the grounds for removal are more particularly stated as follows:

PROCEDURAL HISTORY

1. On October 15, 2020, Plaintiff served Star Fleet with her summons and Petition in Oklahoma County District Court Case No. CJ-2020-4823 (“State Court Action”).
2. On October 19, 2020, Plaintiff served Derks with her summons and Petition in the State Court Action.
3. As of the date of this filing, Defendants have not filed a responsive pleading in the State Court Action.

BASIS FOR REMOVAL

4. The amount in controversy exceeds the diversity jurisdiction threshold of \$75,000.

Plaintiff has pled that the damages sought are in excess of \$75,000. *See Plaintiff's Original Petition, Exhibit 2.*

5. Upon information and belief, Plaintiff Amber Vera is, and was at the time this action was commenced, a citizen of and a domiciled resident in the State of Oklahoma, United States.

6. Defendant Star Fleet is a corporation organized and existing under the laws of the State of Delaware with its headquarters and principal place of business in Middlebury, Indiana, United States. For purposes of diversity jurisdiction, a corporation is deemed to be a citizen of the state in which it was incorporated and the state where it has its principal place of business. 28 U.S.C. § 1332(c)(1). Accordingly, Defendant Star Fleet is a citizen of the State of Delaware and the State of Indiana for diversity purposes.

7. Defendant Derks is, and was at the time of the incident which is the subject of Plaintiff's claim, a citizen of and domiciled resident in the state of Michigan, United States.

8. Removal is proper under 28 U.S.C. § 1332(a) because there is complete diversity between the parties and the amount in controversy exceeds \$75,000, exclusive of interest, costs, and attorney's fees.

9. Venue is proper in the Western District of Oklahoma under 28 U.S.C. § 1441(a) because the State Court in which the action is pending is located in this District.

NOTICE TO STATE COURT

10. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice of Removal will be served on Plaintiff and filed with the Clerk of the District Court of Oklahoma County, Oklahoma.

EXHIBITS

11. Pursuant to 28 U.S.C. § 1446(a) and W.D. Okla. Local Rule 81.1, a true and correct copy of the State Court Action docket sheet (Exhibit 1) and true and correct copies of all process, pleadings, and other filings served upon Defendants in the State Court Action (Exhibits 2-4) are submitted with this Notice of Removal.

CONCLUSION

12. For the foregoing reasons, Defendants request that this Court place this case on the docket of the United States District Court of the Western District of Oklahoma. Defendants further request a full and fair opportunity to brief, respond, and argue against any Motion for Remand filed by Plaintiff.

WHEREFORE, Defendants Star Fleet Trucking, Inc. and Amy Derks, request that this action now pending against it in the District Court of Oklahoma County, Oklahoma, be removed to the United States District Court for the Western District of Oklahoma, as an action properly removable thereto, and for any such further relief to which it is entitled.

Dated: November 04, 2020.

Respectfully submitted,

/s/ Leah T. Rudnicki

Leah T. Rudnicki, OBA No. 32688

THE RUDNICKI FIRM

7201 N. Classen Blvd., Suite 204

Oklahoma City, OK 73116

Telephone: (405) 445-7422

Facsimile: (405) 445-7421

Email: margie@rudnickifirm.com

**ATTORNEYS FOR DEFENDANTS
STAR FLEET TRUCKING, INC. and
AMY DERKS**

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that on this 4th day of November, 2020, I electronically transmitted the attached document to the U.S. District Court for the Western District of Oklahoma Clerk's office using the CM/ECF System for filing and transmittal of Notice of Electronic Filing to the Following CM/ ECF registrant(s):

Matthew Wade, Esq.
Abel Law Firm
900 NE 63rd Street
Oklahoma City, OK 73105
Telephone: (405) 239-9046
Facsimile: (405) 418-0833
mwade@abellawfirm.com
ATTORNEY FOR PLAINTIFF

s/ Leah T. Rudnicki
